

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANK LaMONDE,)	
Plaintiff,)	
)	Civ. Action No. 19-10560-PBS
v.)	
)	
CITY OF SALEM, et al.,)	
Defendants.)	

ORDER ON MOTIONS FOR LEAVE TO APPEAL IN FORMA PAUPERIS
AND FOR EXPEDITED PROCESSING OF APPEAL (Docket Nos. 12, 13)

July 16, 2019

SARIS, C.D.J.

Plaintiff Frank LaMonde initiated this action by filing a civil rights complaint against the City of Salem, the Salem District Court, the Salem Superior Court, Salem City Hall and a Salem Probate Judge. See Docket No. 1.

By Memorandum and Order dated April 2, 2019, plaintiff was granted leave to proceed in forma pauperis and was advised that his complaint is subject to dismissal. See Docket No. 5. He filed an amended complaint on April 22, 2019 and it was dismissed on May 13, 2019. See Docket Nos. 6, 9.

LaMonde filed a notice of appeal on May 14, 2019. See Docket No. 11. Now before the court are plaintiff's motions for leave to appeal in forma pauperis and to expedite. See Docket Nos. 12, 13.

A litigant who wishes to proceed in forma pauperis on appeal must comply with Rule 24 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 1915. See 28 U.S.C. § 1915; Fed. R. App. P. 24. Under 28 U.S.C. § 1915(a)(3) [a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith. Id. The applicant's good faith is established by the presentation of any issue that is not plainly frivolous. Ellis v. United States, 356 U.S. 674, 674 (1958).

Although LaMonde was granted in forma pauperis status in the instant action, the instant motion fails to state the issue(s) he intends to raise on appeal and this Court certifies that the appeal is not taken in good faith. This ruling does not preclude LaMonde from obtaining permission to proceed on appeal in forma pauperis directly from the United States Court of Appeals for the First Circuit, provided he does so pursuant to Fed. R. App. P. 24(a)(5).

Based on the foregoing, it is hereby Ordered that:

1. Plaintiff's motion (Docket No. 12) for leave to appeal in forma pauperis is DENIED and the court certifies that the appeal is not taken in good faith.
2. Plaintiff's motion (Docket No. 13) for expedited processing is DENIED.

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
CHIEF UNITED STATES DISTRICT JUDGE